



Summer 2006

Fair Housing News

Fair Housing: It's Not an Option, It's the Law!



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Our Mission

To create equal housing opportunities for all persons in America by administering laws that prohibit discrimination in housing on the basis of race, color, religion, sex, national origin, disability, and familial status.

Fair Housing Conference Highlights Needs of Hurricane Survivors

From June 26-29, 2006, HUD held its National Fair Housing Policy Conference in Anaheim, California. The conference brought together over 1,000 representatives of federal agencies, state and local fair housing agencies, and private fair housing groups.

The theme of the conference, "The Power of Collaboration," describes the conference's goal of helping fair housing groups collaborate more effectively. Specifically, the conference encouraged attendees to work together to meet the fair housing needs of hurricane survivors and prepare for other disasters.

The conference included exercises in which the participants were divided into groups and asked to identify strategies for a "Fair Housing Disaster Response Toolkit" to coordinate plans at the national, state and local levels.

Mayor Ray Nagin of New Orleans concluded the conference by discussing the challenge of returning New Orleans to the vibrant city that it was before Katrina. Mayor Nagin stated that this should be accomplished by not concentrating the poor in one community and advocated creating mixed-income neighborhoods.

The Mayor also discussed the housing challenges facing hurricane survivors.



Mayor Ray Nagin Speaks at HUD's 2006 Policy Conference in Anaheim, California

Specifically, the Mayor mentioned discriminatory advertising as an obstacle for hurricane evacuees who are looking for temporary or permanent housing. The Mayor gave the example of advertisements that state that they are "not racist" but refuse to rent to persons of certain races.

Additionally, the Mayor urged those in the audience to be more assertive in disaster planning at the local level. Specifically, Mayor Nagin suggested that disability-rights groups work with the leaders of their communities to create self-help, emergency preparedness kits for people with disabilities.

HUD Investigations Lead to Charges in Three Housing Discrimination Cases

In June and July 2006, HUD charged three landlords with violating the Fair Housing Act.

On June 15, 2006, HUD charged a Richmond, Missouri, landlord with violating the Fair Housing Act for sexually harassing a female tenant. HUD charges that 85-year-old Harold Calvert, president of Calvert Properties, Inc., and manager of approximately 16 rental properties,

subjected Lanessia Rowland to severe, pervasive, and unwelcome verbal and physical sexual advances.

HUD's investigation showed Rowland, a 33-year-old female receiving Section 8 rental assistance rented Calvert's property in August 2003. On the day Rowland was moving in, Calvert stopped

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Disabled Tenant Receives \$12,000 Settlement as a Result of HUD Housing Discrimination Investigation

On July 7, 2006, HUD obtained a \$12,000 settlement for a resident of the St. Louis City Housing Authority (SLCHA), who alleged SLCHA violated the Fair Housing Act and Section 504 of the Rehabilitation Act of 1973 in refusing to transfer her to an accessible unit.

Yvette Acon, a resident with a degenerative spinal disc disease, requested a transfer to a first-floor unit because her condition made it difficult to walk and climb stairs. Acon claimed SLCHA required her to make her request in writing and provide medical documentation, and later denied her request because there were no accessible apartments available. However, HUD's investigation revealed SLCHA should not have required additional documentation of Acon's disability because her physical disability is obvious and she had already

provided documentation that she is under the age of 62 and a recipient of SSI.

The St. Louis City Housing Authority will pay Acon \$12,000 and will allow her to transfer to the first available apartment that meets her needs.

Furthermore, HUD's investigation showed SLCHA leases accessible units to the non-disabled on the condition that, if a disabled resident requires an accessible unit, a non-disabled tenant would have to transfer, and SLCHA did not consider these units when they denied Acon's request to transfer to another unit.

Under the Fair Housing Act and Section 504, housing providers are required to make reasonable accommodations for persons with disabilities by changing their rules, policies, practices, or services so that a person with a disability will have an equal opportunity to use and enjoy a dwelling unit or common space.

Acon and SLCHA resolved the complaint by entering into a conciliation agreement. Under the agreement, SLCHA will pay Acon a monetary settlement of \$12,000 and will allow Acon to transfer to the first available apartment that meets her needs. Additionally, SLCHA agreed to pay for Acon's moving expenses and waive her monthly rent until the transfer takes place, adopt procedures for handling requests for reasonable accommodations, and attend fair housing training.

Assistant Secretary Offers Homeownership Information in *Essence* Magazine

For its August 2006 issue, Assistant Secretary Kim Kendrick talked to *Essence* about the rights of homebuyers under the Fair Housing Act and how to avoid fraudulent loans.

The article, "Step 3: Learn About the Mortgage Industry," includes information on the home buying process and five ways individuals can protect themselves from predatory lenders. Regarding mortgages, Assistant Secretary Kendrick is quoted as saying, "if the lender doesn't answer your questions, that's a red flag."

Assistant Secretary Kendrick also advises readers that the Fair Housing Act makes discrimination

illegal in the sale or rental of housing and in mortgage lending and that individuals may contact HUD if they believe that they have experienced unlawful housing or lending discrimination.

"If the lender doesn't answer your questions, that's a red flag."

The article is part of the *Essence* Magazine Home Ownership Campaign, and Assistant Secretary Kendrick serves on the Advisory Board for the campaign. The 12-month campaign includes monthly articles on every phase of the home

buying process—from saving for the down payment to making an offer to understanding the closing process. *Essence* readers may also sign up at <http://www.essence.com> to receive weekly e-mails and free access to online chats with personal-finance and credit-repair experts, as well as real estate and mortgage professionals.



HUD Conciliates Complaint Alleging Mobile Home Park Discriminated Against Families with Children

In June 2006, HUD conciliated a complaint alleging familial status discrimination. Ava Smoldt, a resident of Silver Creek Mobile Estates in San Jose, California, filed the complaint alleging that the property manager subjected her children to overly restrictive rules. Silver Creek is an all-age mobile home park with 240 spaces.

Specifically, Smoldt alleged that the property manager would not allow her children to ride scooters or bikes

in the park, but would allow adults to do so. Additionally, Smoldt alleged that the property manager referred to children in a derogatory manner and that the harassment created a hostile living environment. Project Sentinel, a private fair housing group that receives HUD funding, and the Fair Housing Law Project assisted Smoldt with filing a complaint with HUD.

Smoldt and Silver Creek Mobile Estates resolved the complaint by entering into a conciliation

agreement. As part of the agreement, Silver Creek Mobile Estates agreed to pay \$5,500 to Smoldt and \$2,500 to the Fair Housing Law Project. Silver Creek Mobile Estates also agreed to send its property manager to fair housing training and communicate the provisions of the agreement to its employees. In addition, Silver Creek Mobile Estates agreed to pay \$2,500 to settle a separate complaint filed by Project Sentinel that stemmed from its investigation of Smoldt's allegations.

"Charges," continued from page 1

by the property and hugged and groped Rowland and attempted to kiss her. Rowland's 9-year-old daughter walked into the room during the sexual advances. A few days later, Calvert returned to Rowland's house and entered her bedroom where she alleges he grabbed and restrained her arms so she could not move as he attempted to kiss her. While Calvert was holding Rowland, her son walked in the bedroom and witnessed the alleged assault. At that point, Rowland claims, Calvert released her and left the home.

HUD's investigation found Calvert made additional unwelcome sexual advances to Rowland and that at least six other female tenants were subject to similar sexual advances.

On June 16, 2006, Rowland elected to have the case heard in federal district court.

On June 29, 2006, HUD issued a charge of discrimination against Triple H. Realty, LLC, and one current and one former employee. HUD alleges that the respondents violated the Fair Housing Act by segregating tenants at the Cottage Manor Apartments, a six-building apartment complex in New Jersey, based on their religion, race, color, and national origin.

HUD alleges that non-Jewish Hispanic and African-American tenants were forced to transfer to the buildings located in the rear of the property to allow Jewish families to move into the better-kept apartments in the front of the complex. HUD also found that the managing agent instructed the on-site superintendent to ask African-American and Hispanic families living in two buildings to transfer to another building so that Jewish tenants would not have to live among African-American and Hispanic families.

HUD's investigation found non-Jewish tenants received little to no apartment maintenance as

HUD's investigation found Calvert made unwelcome sexual advances to Rowland and at least six other female tenants.

compared to Jewish tenants. For example, Cottage Manor refused to properly exterminate a non-Jewish family's apartment. HUD's on-site investigation confirmed that the building occupied by non-Jewish tenants was not as well maintained as the other buildings.

Housing discrimination charges are heard before an Administrative Law

Judge unless either party elects to have the case heard in federal district court. On July 18, 2006, the decision was made to have the case heard in federal district court.

On July 12, 2006, HUD charged a South Dakota landlord with violating the Fair Housing Act for refusing to rent to families with children and for discriminatory advertising.

HUD alleges that Paul Hasse, owner and manager of an eight-unit apartment building in Vermillion, South Dakota, refused to rent to families with children and advertised that discriminatory preference several times in a newspaper.

HUD's investigation showed that Hasse placed ads in the Vermillion Broadcaster newspaper that specified, "no smokers, pets, minors, or deadbeats." Similarly, when a fair housing watchdog group had a tester with children inquire about renting the apartment, an unknown male informed her of the policy, "no pets, no smoking, no kids." Hasse reiterated the same policy to another tester, and current tenants also confirmed the policy.

On July 18, 2006, the decision was made to have the case heard in federal district court.

HUD's Office of Fair Housing and Equal Opportunity

451 7th Street, SW
Washington, DC 20410

Individuals may report
housing discrimination to
HUD by calling

1-800-669-9777 (Voice)
1-800-927-9275 (TTY)

or by completing a form at

www.hud.gov/fairhousing



HUD Staff Helps Build Houses for Low-Income Families

On June 16 and July 21, 2006, Assistant Secretary for Fair Housing and Equal Opportunity (FHEO) Kim Kendrick and 29 members of her staff took time out of their busy schedules to work on several homes being constructed by DC Habitat for Humanity.

Located in the Deanwood section of northeast Washington, DC, the 4.3-acre development will consist of 53 homes when it is completed in 2008. Families interested in purchasing one of the homes cannot have incomes more than 200 percent above the local poverty line and must be willing to put 300 hours of their time into building the home. For most of the families, mortgage payments will be between \$300 and \$450 a month.

"It was truly a rewarding experience," said Kendrick. "It really made us feel good to know that we were helping to build homes for families who may have considered homeownership an unattainable dream."

The 30 volunteers were divided into several groups and were assigned tasks that included painting, putting up drywall and trim, and assembling the frames that would later become the homes' walls.



Deputy Assistant Secretary Karen Newton Works on a Habitat for Humanity House



HUD Staff Help Frame a Habitat for Humanity House

Of the 53 homes that will comprise the development, 21 have been completed. More than 400 volunteers give of their time to work on DC Habitat for Humanity homes each month.

HUD Restricts Funding for Gainesville Housing Authority Due to Noncompliance with Fair Housing Laws

On July 18, 2006, HUD issued a Corrective Action Order (CAO) to the Housing Authority of the City of Gainesville, Florida (GHA) to remedy its noncompliance with fair housing laws and regulations.

During 2005, HUD found GHA to be in noncompliance with fair housing laws and regulations in several program areas. In particular, HUD had issued letters of findings of noncompliance in GHA's Public Housing and Multifamily Housing programs with Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act, and the

GHA has not taken the necessary steps to remedy the noncompliance.

Americans with Disabilities Act, and had charged GHA with violating the Fair Housing Act by failing to make a reasonable accommodation for a married couple with disabilities. GHA has not entered into a Voluntary Compliance Agreement (VCA) or undertaken the necessary steps to remedy the noncompliance.

The CAO restricts GHA's access to

all Capital Fund Program (CFP) funds not already obligated or under contract to expenditures necessary to cure the civil rights noncompliance and to remedy emergency situations. The CAO also requires GHA to obtain HUD approval for all obligations and expenditures of CFP funds.

The restriction is effective until GHA implements a HUD-approved Voluntary Compliance Agreement to remedy its fair housing deficiencies. HUD may take further enforcement actions if GHA fails to execute and implement a VCA in a timely manner.